

Remarks/Arguments:

Claims 1, 3-7, 11 and 15 were pending in the application. With this amendment, claim 1 has been amended to include the features of claim 15. Claim 15 has been canceled. Claim 1 has also been amended to recite additional features, support for which can be found, for example, at claim 6 and in paragraphs 0040 and 0041 of the originally filed application. Claim 6 has been amended accordingly. No new matter has been added. Claims 1, 3-7 and 11 are, therefore, pending in the application.

Rejection Under 35 U.S.C. § 103(a)

Claims 1, 3-7, 11 and 15 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent Application Publication No. 2003/0019598 A1 ("Nakagawa") in view of WO 99/23306 ("Byalik") and further in view of U.S. Patent No. 6,228,948 ("Flaris"). Applicants respectfully submit that the rejection has been overcome in view of the amendments to claim 1, for the reasons set forth below.

Features of Amended Independent Claim 1

Independent claim 1 has now been amended to recite the following features which are neither disclosed nor suggested by the combination of cited references, namely:

at least one nonheatsealable ply comprising natural fibers **and having a DIN ISO 9237 air permeability from about 300 to about 4,000 l/m²s**; and

at least one heatsealable ply **consisting of natural fibers and synthetic fibers, wherein each of said synthetic fibers comprises a fiber blend of a synthetic material and an adhesion promoter**, wherein said adhesion promoter **of said fiber blend** consists of polypropylene grafted with functional maleic anhydride groups. (emphasis added).

Response to Rejections

The Office rejects independent claim 1 as obvious over Nakagawa in view of Byalik and further in view of Flaris. Applicants submit that claim 1, as amended, recites features which are neither disclosed nor suggested by the combination of Nakagawa, Byalik and Flaris.

Specifically, claim 1, as amended, recites the feature of "at least one nonheatsealable ply comprising natural fibers and having a DIN ISO 9237 air permeability from about 300 to

about 4,000 l/m²s.” In contrast, Applicants submit that as described in Nakagawa at paragraph 0044, the air permeability of the laminated body formed according to Nakagawa has a Frazier air permeability of 100 to 300 cm³/cm²/s. If the air permeability of the Nakagawa laminate is converted into the same units as the invention as claimed in claim 1, this results in the air permeability being 10 to 30 l/m²/s. Moreover, as can be seen from Fig. 1 of Nakagawa, the synthetic pulp short fibers are very thin and form a tight layer resulting in a low air permeability.

In comparison, Applicants’ claimed filter material comprises at least one nonheatsealable ply having an air permeability of 300 to 4,000 l/m²/s. Accordingly, the air permeability of Nakagawa’s laminate is at least ten times lower than that of the filter material of the claimed invention. This is due to the laminate disclosed by Nakagawa comprising fine short fibers which form a tight layer (see Fig. 1 of the Nakagawa reference) as compared to the fibers of the claimed invention. As such, contrary to the Office’s assertion, the feature of claim 1 of the air permeability being from about 300 to about 4,000 l/m²s is not inherently present in Nakagawa.

Applicants respectfully submit, therefore, that Nakagawa fails to disclose at least this feature. Moreover, Applicants submit that neither Byalik nor Flaris teach, disclose or suggest such feature and thus cannot make up for the deficiencies of Nakagawa.

Additionally, claim 1 has also been amended to recite the feature of “at least one heatsealable ply consisting of natural fibers and synthetic fibers, wherein each of said synthetic fibers comprises a fiber blend of a synthetic material and an adhesion promoter.” Further, claim 1 includes the feature that “said adhesion promoter of said fiber blend consists of polypropylene grafted with functional maleic anhydride groups.” Applicants submit that the combination of Nakagawa, Byalik and Flaris fail to teach, disclose or suggest these features.

As amended, Applicants submit that claim 1 emphasizes that the heatsealable ply consists of only two components, natural fibers and synthetic fibers. Further, each of the synthetic fibers comprises a fiber blend of synthetic material and an adhesion promoter. Although the combination of Nakagawa and Byalik also discloses a heat sealing layer that could also include two components: natural fibers and synthetic fibers, Applicants submit that Nakagawa does not disclose that its synthetic pulp is included as a component of the synthetic fibers. Nakagawa merely discloses that the synthetic pulp is a component of the heat sealable layer.

Moreover, Nakagawa is silent as to whether its synthetic fibers include any adhesion promoter as a component of the synthetic fibers. Neither can the synthetic pulp "fibers" of Nakagawa themselves be both the adhesion promoter and the synthetic material. Thus, Nakagawa, even when combined with Byalik and Flaris, does not disclose a filter material in which the adhesion promoter is a sub-component of the synthetic fibers. Rather, Nakagawa discloses that the adhesion promoter is merely a component of the heatsealable ply. Applicants respectfully submit, therefore, that Nakagawa fails to disclose or suggest at least one heatsealable ply consisting of natural fibers and synthetic fibers, wherein each of said synthetic fibers comprises a fiber blend of a synthetic material and an adhesion promoter, wherein said adhesion promoter of said fiber blend consists of polypropylene grafted with functional maleic anhydride groups.

Applicants respectfully submit, therefore, that because the combination of Nakagawa, Byalik and Flaris fail to disclose all of the features of Applicants' claimed invention, the Office has failed to establish a *prima facie* case of obviousness. Accordingly, the rejections of claim 1 must be withdrawn. The rejection of claims 3-7 and 11, which are dependent on independent claim 1, must also be withdrawn.

Furthermore, Applicants submit that because the amendments to claim 1 include features originally recited in claims 6 and 15, these features have already been considered by the Office. Consequently, Applicants submit the amendments to independent claim 1 included herein should not be refused entry as they do not raise new issues requiring further consideration and/or search.

Conclusion

It is respectfully submitted that the pending claims 1, 3-7 and 11 are in condition for immediate allowance. Notice to this effect is earnestly solicited.

Respectfully submitted,



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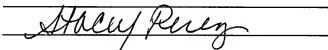
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